

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Petition for Declaratory Ruling)	
to the Iowa Utilities board and)	WC Docket No. 09-152
Contingent Petition for Preemption)	

**PRELIMINARY STATEMENT FOR THE RECORD
OF QWEST COMMUNICATIONS COMPANY, LLC**

Qwest Communications Company, LLC (“Qwest”)¹ hereby files this Preliminary Statement on a “Petition for Declaratory Ruling to the Iowa Utilities Board and Contingent Petition for Preemption” (“Petition”), filed August 14, 2009 by Great Lakes Communication Corp. and Superior Telephone Cooperative (collectively “Great Lakes”). The Petition seeks to preempt an anticipated decision of the Iowa Utilities Board (“IUB”) on traffic pumping.² This Preliminary Statement is filed to correct several misperceptions created by Great Lakes in its Petition and to set the proceeding in proper procedural context so that more focused comments may be submitted on September 21, 2009 in accordance with the Commission staff’s Public Notice of August 20, 2009.³ Qwest anticipates that the IUB will have released its decision by that date.

¹ Effective January 2, 2009, Qwest Communications Corporation changed its name to Qwest Communications Company, LLC.

² The Iowa Utilities Board case is *Qwest Communications Corporation v. Superior Telephone Cooperative, et al.*, Docket No. FCU-07-02 (Iowa Utilities Board).

³ Public Notice, “Comments Sought on Petition for Declaratory Ruling and Contingent Petition for Preemption of Great Lakes Communications Corp. and Superior Telephone Cooperative,” DA 09-1843 (WCB, Aug. 20, 2009). Qwest will file its Comments in this proceeding pursuant to the schedule set forth in the Public Notice.

Great Lakes is asking the Commission to preempt a decision of the Iowa Utilities Board on traffic pumping that has not yet been issued. To support this preemptive action, Great Lakes relies entirely on its own characterizations of Qwest's advocacy before the Iowa Board—characterizations that are significantly inaccurate. Great Lakes did not submit copies of the Qwest advocacy upon which it purports to rely. Redacted copies of the relevant documents Qwest prepared are attached as Exhibit A. It is readily apparent from a simple comparison that, on numerous occasions, contrary to Great Lakes' representations that Qwest requested that the IUB regulate "*interstate*" access rates, Qwest did not do so.⁴ In any event, what matters is what the IUB says in its decision.

Respectfully submitted,

QWEST COMMUNICATIONS COMPANY, LLC

By: /s/ Robert B. McKenna
Craig J. Brown
Robert B. McKenna
Meshach Y. Rhoades
Suite 950
607 14th Street, N.W.
Washington, DC 20005
Craig.brown@qwest.com
Robert.mckenna@qwest.com
Meshach.rhoades@qwest.com
(303) 383-6650

Its Attorneys

August 28, 2009

⁴ Compare Petition at 11-12 with pages 36-39 of Qwest's Proposed Findings of Facts and Conclusions of Law at Exhibit A. See also page 11 of Qwest's Proposed Findings, proposing that: "The Board Finds the [FSPs] are Not End Users of the LECs' Local Exchange Tariffs; Nor are They Purchasing Local Exchange Services. [underscoring omitted]"